

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

KEVIN A. WIEDERHOLD,)
Petitioner,)
v.) Civil Action
BILL HEDRICK, Warden, et al.,) No. 04-3035-CV-S-RED-H
Respondents.)

REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner, an inmate formerly confined at the United States Medical Center for Federal Prisoners, has filed a petition for a writ of habeas corpus, which, if liberally construed, challenges his continued confinement and requests his immediate release. After the federal public defender was appointed in this matter, petitioner has filed several requests to dismiss counsel and several other pro se pleadings. In those pro se pleadings, he appears to challenge a proposed installment schedule for payment of fines and/or fees. In response to a show cause order, the United States submitted a copy of the order revoking supervised release and the judgment and commitment in defendant's criminal case. The attorney advisor at the United States Medical Center for Federal Prisoners submitted a declaration, stating that the petitioner has not exhausted administrative remedies.

A review of the files and records in this case establish that the petitioner is lawfully in the custody of the United States, and further, that he has failed to exhaust administrative remedies on any issue in this case. Because petitioner is no longer housed at the United States Medical Center for Federal Prisoners, and further, because he refuses to cooperate with counsel, his

motion to dismiss counsel is granted. The federal public defender is relieved from further representation in this matter. It is further

RECOMMENDED that the petitioner be denied leave to proceed in forma pauperis; and it is further

RECOMMENDED that the petition filed herein be dismissed without prejudice.

/s/ James C. England

JAMES C. ENGLAND
United States Magistrate Judge

Date: August 9, 2005